

REMARKS

Claims 1-5 and 10-18 are pending in this application, of which claims 1, 2, 4, 5, 10, 15, and 18 have been amended. Claims 6-9 and 19-22 are withdrawn from consideration. No new claims have been added.

(1) Verified translation of PCT/JP00/01678 is submitted to complete the claiming of the foreign priority of PCT/JP/00/01678 filed on March 17, 2000.

(2) Claims 1-5 and 10-18 were rejected under 35U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Amendments in claims 1, 2, 4, 5, 10, 15, and 18 are believed to overcome the rejection.

(3) Claims 10-13, 16 and 18 were rejected under 35U.S.C.102(a) and/or (b) as being anticipated by WO99/23534 considered with Nakanishi et al. in US Patent 6,326,115.

Claims 10 and 18 are amended to introduce a limitation that the polyester resin is "formed by polymerizing terephthalic acid, isophthalic acid, or a mixture thereof as an acid component, an ethylene or propylene adduct of bisphenol A as an alcohol component and trimellitic acid as a

crosslinking agent component.” The basis of the amendment is found at page 10, line 34 to page 11, line 3.

The invention of Nakanishi et al. uses polyester modified with a urethane bond or urea bond, that is, a isocyanate-based urethane polymer, as a binder resin. Thus, the toner disclosed by Nakanishi et al. is used for a heat roll fixing system, as described in col. 1, lines 15-27, and the toner cannot be used in a flash fixing system. In the flash fixing system, the urethane polyester will be decomposed since it is raised at a high temperature, for example, 500°C, as described at page 4, lines 29 to 32 of the specification of the present invention. On the other hand, the toner of the present invention is used for a flash fixing system. The binder of the present invention is completely different from that of nakanishi et al. Reconsideration of the rejection is respectfully requested.

(4) Claims 1-3, 10-13 and 16-18 were rejected under 35U.S.C. 103(a) as being unpatentable over WO99/23534 considered with Nakanishi et al. in US Patent 6,326,115, in view of Gruber et al. in US Patent 4,578,338, still in view of Tomono et al. in US Patent 4,997,739.

Claims 10 and 18 are amended to introduce a limitation that the polyester resin is “formed by polymerizing terephthalic acid, isophthalic acid, or a mixture thereof as an acid component, an ethylene or propylene adduct of bisphenol A as an alcohol component and trimellitic acid as a

Application No. 09/987,464
Amendment dated October 14, 2003
Reply Office Action of July 2, 2003

crosslinking agent component.” The basis of the amendment is found at page 10, line 34 to page 11, line 3.

Neither Gruber et al. nor Tomono et al. discloses a polyester resin formed by polymerizing terephthalic acid, isophthalic acid, or a mixture thereof as an acid component, an ethylene or propylene adduct of bisphenol A as an alcohol component and trimellitic acid as a crosslinking agent component. Even if one combined those references, the present invention cannot be obtained. Reconsideration of the rejection is respectfully requested.

(5) Claims 1 and 2 were rejected under 35U.S.C. 103(a) as being unpatentable over Gambayashi et al. in US Patent 6,335,139.

WO 01/06322 (PCT/JP00/01678) and the translation of PCT/JP00/01678, whose international application date is March 17, 2000, are submitted to complete the claiming of the foreign priority. So, the reference, Gambayashi et al. should be removed.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that claims 1-5 and 10-18, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No. 09/987,464
Amendment dated October 14, 2003
Reply Office Action of July 2, 2003

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Translation of PCT/JP00/01678

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